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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP Nos. 48680 and 48686 of 2025
and
WMP Nos. 54358 and 54349 of 2025

W.P. No.48680 of 2025
M/s.Marssal Enterprises
Rep by its Managing Partner
P.Mohandass

..Petitioner

Vs

1. The Chairman
   Tamil Nadu Power Generation Corporation
   Limited (TNPGCL) Mettur Dam-6.
2. Chief Engineer
   Mettur Thermal Power Station - II,
   Mettur Dam- 636 406.

3. Sai Engineering,
   Rep. by its Managing Partner Mr.R.Sathasivam,
   No.1A, Cauvery Nagar, Mettur Dam, Salem,
   Tamil Nadu – 636 401. (R3 Impleaded vide
   Order dated 03.02.2026 made In
   WMP.3873/2026)

4. Praba Engineering Works,
   Rep. by its Sole Proprietrix Mrs.Prabavathi,
   No.151 A1, Periyar Street, K.P.N.Nagar,
   Mettur Dam, Salem, Tamil Nadu – 636 401.
   (R4 Impleaded vide Order dated 03.02.2026
   made in WMP No.3879 of 2026)

..Respondents

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WP No. 48686 of 2025

M/s.R.K.Engineering Contractor
Rep by its Director Sherif Rajkapur,
No.H-6, Housing Board Unit, Mettur Dam,
Salem- 636 452.

..Petitioner(s)

Vs

1. The Chairman
   Tamil Nadu Power Generation Corporation
   Limited (TNPGCL).Mettur Dam-6.
2. Chief Engineer
   Mettur Thermal Power Station - II,
   Mettur Dam- 636 406.

3. Sai Engineering,
   Rep. by its Managing Partner Mr.R.Sathasivam,
   No.1A, Cauvery Nagar, Mettur Dam, Salem,
   Tamil Nadu – 636 401. (R3 Impleaded Vide
   Order Dated 03.02.2026 Made In
   Wmp.3875/2026 In Wp.48686/2025 By Ptaj)

4. Praba Engineering Works,
   Rep. by its Sole Proprietrix Mrs.Prabavathi,
   No.151 A1, Periyar Street, K.P.N.Nagar,
   Mettur Dam, Salem, Tamil Nadu - 636401.
   (R4 Impleaded vide Order Dated 03.02.2026
   Made in WMP.3880/2026)

..Respondent(s)

Prayer in WP No. 48680 of 2025 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records in connection with the Impugned Tender specification No.CE/ MTPS- II /SE /M-I/ EE/ MP /OT. No.121/ 2025- 26 dated 11.08.2025 published by the 2nd respondent and quash the same and consequentially direct the 2nd respondent to publish fresh tender in a proper manner.

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Prayer in WP No. 48686 of 2025 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records in connection with the Impugned Tender specification No.CE/ MTPS- II /SE /M-I/ EE/ MP /OT. No.122/ 2025- 26 dated 11.08.2025 published by the 2nd respondent and quash the same and consequentially direct the 2nd respondent to publish fresh tender in a proper manner.

In both W.P.s

For Petitioner(s): Mr.K.S. Viswanathan
Senior Counsel for
Mr. Ali Hassan Khan

For Respondents: Mr.M.Suresh Kumar,
Additional Advocate General
Assisted by
Mr.K. Arun Prasad for R1 & R2

Mr.U. Ramya for R3
Mr.R. Bharath Kumar for R4

COMMON ORDER

The petitioners have filed these writ petitions challenging the tender evaluation process adopted by the respondents in respect of the work of providing additional structural support for conical portion of Coal Bunker hoppers 4 Nos. viz., A, B, C, D and E, ,F, G & H respectively) at 31 metres elevation of milling system in mill plant division MTPS – II.

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2. It is the grievance of the petitioners is that though they had participated in the tender process pursuant to the tender notification issued by the respondent Corporation, the procedure contemplated under the tender notification for evaluation of the bids was not followed. According to the petitioners, the respondents have introduced a new procedure for scrutinising the tenders, which is not contemplated under the tender notification, and therefore the same is arbitrary and unsustainable in law. Challenging the said action of the respondents, these writ petitions have been filed.

3. Learned Senior Counsel appearing for the petitioners submitted that the petitioners are qualified contractors and had participated in the tender process in accordance with the tender notification. However, during the process of scrutiny, the respondents deviated from the procedure prescribed under the tender notification and attempted to adopt a new methodology for evaluation of the drawings and other technical aspects submitted by the tenderers. It is the submission of the learned counsel that such deviation from the tender conditions is impermissible and therefore appropriate directions may be issued by this Court.

4. Learned Senior Counsel invited attention of this Court to earlier proceedings vide order dated 18.02.2026 and 24.02.2026, and submitted that

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this Court had taken note of the issue and directed that the drawings submitted by the shortlisted tenderers viz., M/s.Sai Engineering, M/s. Marssall Enterprises, M/s.R.K. Engineering Contractor, M/s.Praba Engineering Works and M/s.Mettur Associates be placed before an Expert Committee suggested by the State Government. Therefore, he submitted that this Court may issue a further direction to the said Committee to scrutinise the drawings submitted by the respective shortlisted tenderers. He further submitted that during the process of scrutiny, an opportunity may be granted to the petitioners as well as the other contractors to explain the technical aspects of their drawings before the said Committee so as to enable the Committee to arrive at a proper conclusion in accordance with the tender conditions.

5. Per contra, the learned Additional Advocate General appearing for the respondents 1 and 2 submitted that as per the directions of the Court, a Committee has been constituted. He also submitted that the respondents have already placed the relevant materials before the said Committee and the said Committee is in the process of submitting a report. Reiterating the contents of the counter affidavit, he submitted that the drawing submitted by certain contractors were initially forwarded to Joint Director of Industrial Safety and Health (DISH), Salem, so as to enable them to analyse safety aspects. However, he further submitted that pursuant to the directions of this Court, the Committee will examine the drawings and other technical aspects submitted by the

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shortlisted tenderers and therefore, this Court may issue appropriate directions to the said Committee to pass orders on the same within a reasonable time to be fixed by this Court.

6. After hearing the submissions made by learned counsel on both sides, and taking note of the earlier orders passed by this Court dated 18.02.2026 and 24.02.2026, this Court is of the view that the issue involved requires technical scrutiny by the Expert Committee.

7. Accordingly, the Expert Committee constituted pursuant to the earlier directions of this Court is directed to scrutinise the drawings submitted by the shortlisted tenderers viz., M/s.Sai Engineering, M/s. Marssall Enterprises, M/s.R.K. Engineering Contractor, M/s.Praba Engineering Works and M/s.Mettur Associates The Committee shall also conduct a consultation process by affording an opportunity to the petitioners as well as the other shortlisted contractors so as to enable them to explain their respective drawings in order to facilitate proper evaluation in terms of the tender conditions. The Expert Committee, after considering the materials placed before it and the explanations offered by the respective tenderers, shall pass appropriate orders in accordance with law. The Expert Committee is also directed to complete the scrutiny process and pass appropriate orders within a period of six weeks from

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the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status quo.

8. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI-2

To :

1. The Chairman
Tamil Nadu Power Generation Corporation Limited (TNPGCL)
Mettur Dam-6.
2. The Chief Engineer
Mettur Thermal Power Station - II,
Mettur Dam- 636 406.

3. Sai Engineering,
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M.DHANDAPANI, J.

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